

AMENDED IN SENATE MAY 31, 2011

AMENDED IN SENATE MAY 10, 2011

**SENATE BILL**

**No. 859**

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**Introduced by Senator Padilla**

February 18, 2011

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An act to amend Section 1808.23 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 859, as amended, Padilla. Vehicles: records: confidentiality.

(1) Existing law requires the residence address in a record of the Department of Motor Vehicles to be kept confidential, with specified exceptions. One exception applies to a vehicle manufacturer licensed to do business in this state if the manufacturer, or its agent, under penalty of perjury, requests and uses the information only for the purpose of safety, warranty, or product recall if the manufacturer offers to make and makes any changes at no cost to the vehicle owner. Another exception applies to a dealer licensed to do business in this state if the dealer, or its agent, under penalty of perjury, requests and uses the information only for the purpose of completing registration transactions and documents. A violation of the Vehicle Code is a crime.

This bill would add an exception for an electrical corporation, as defined, or a local publicly owned electric utility, if the corporation or utility, or its agent, under penalty of perjury, requests and uses the information only for the purposes of tracking electric vehicle charging points and if certain conditions are met. By creating a new crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1808.23 of the Vehicle Code is amended  
2 to read:

3 1808.23. (a) Section 1808.21 does not apply to any of the  
4 following:

5 (1) A vehicle manufacturer licensed to do business in this state  
6 if the manufacturer, or its agent, under penalty of perjury, requests  
7 and uses the information only for the purpose of safety, warranty,  
8 including a warranty issued in compliance with Section 1795.92  
9 of the Civil Code, emission, or product recall if the manufacturer  
10 offers to make and makes any changes at no cost to the vehicle  
11 owner.

12 (2) A dealer licensed to do business in this state if the dealer,  
13 or its agent, under penalty of perjury, requests and uses the  
14 information only for the purpose of completing registration  
15 transactions and documents.

16 (3) A person who, under penalty of perjury, requests and uses  
17 the information as permitted under subdivision (h) of Section  
18 1798.24 of the Civil Code, if the request specifies that no persons  
19 will be contacted by mail or otherwise at the address included with  
20 the information released. The information released by the  
21 department under this subdivision shall not be in a form that  
22 identifies any person.

23 (4) An electrical corporation as defined in Section 218 of the  
24 Public Utilities Code or a local publicly owned electric utility as  
25 defined in Section 224.3 of the Public Utilities Code, if the  
26 corporation or utility, or its agent, under penalty of perjury, requests  
27 and uses the information only for the purposes of tracking electric  
28 vehicle charging points. All of the following shall apply to this  
29 paragraph:

1 (A) The department may disclose to the electrical corporation  
2 or local publicly owned utility only the type of vehicle and address  
3 of the electric vehicle owner. The department shall not disclose  
4 the name of the electric vehicle owner.

5 (B) ~~At the time of registration, the department~~ *Within 15 days*  
6 *of receiving residence address information from the department*  
7 *pursuant to this section, an electrical corporation or local publicly*  
8 *owned utility* shall provide a clear, express disclosure to the electric  
9 vehicle owner that his or her residence address information is  
10 required by law to be shared with the corporation or utility. *The*  
11 *disclosure shall not contain marketing information or a solicitation*  
12 *for the purchase of goods or services.*

13 (C) Confidential home address information of electric vehicle  
14 owners disclosed pursuant to this paragraph shall only be used for  
15 the purpose of identifying where an electric vehicle is registered  
16 and shall not be used or disclosed for any other purpose, including  
17 for purposes of identifying the individual or individuals residing  
18 at the address, or to any other person.

19 (D) The electrical corporation or local publicly owned utility  
20 shall not sell, share, or further disclose, including to any  
21 subsidiaries, residence address information of electric vehicle  
22 owners obtained pursuant to this paragraph.

23 (b) Residential addresses released shall not be used for direct  
24 marketing or solicitation for the purchase of any consumer product  
25 or service.

26 SEC. 2. No reimbursement is required by this act pursuant to  
27 Section 6 of Article XIII B of the California Constitution because  
28 the only costs that may be incurred by a local agency or school  
29 district will be incurred because this act creates a new crime or  
30 infraction, eliminates a crime or infraction, or changes the penalty  
31 for a crime or infraction, within the meaning of Section 17556 of  
32 the Government Code, or changes the definition of a crime within  
33 the meaning of Section 6 of Article XIII B of the California  
34 Constitution.